26 February 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ANTHONY AZZOPARDI**

**Date of hearing:** 19 October 2023

**Panel:** Judge John Bowman (Chairperson) and Ms Melissa Mahady.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Anthony Azzopardi represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 141(1) states:

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

(b)presented for a satisfactory trial or such other trial as provided for by the Rules; or

(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,

must present the greyhound free of any prohibited substance.

**Particulars: Charge 1: GAR 141(1)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound *“Head the Charge”.*

3. *“Head the Charge”* was nominated to compete in Race 5, JARROD LARKIN CONCRETING, Mixed 4/5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 4 November 2022 (**the Event**).

4. On 4 November 2022, you presented *“Head the Charge”* at the Event not free of any prohibited substance, given that:

* 1. A pre-race sample of urine was taken from *“Head the Charge”* at the Event (**the Sample**);
	2. Metformin was detected in the Sample.

 **Plea:** Guilty

**DECISION**

Mr Anthony Azzopardi, you have pleaded guilty to a breach of GAR 141(1) a charge in relation to the presentation of “Head the Charge” in Race 5 at Bendigo on 4 November 2022 in which it ran a close third.

A pre-race urine sample taken from the greyhound tested positive to the prohibited substance metformin. This is the substance the presence of which could lead to a reduced performance. The most likely source of the substance was from personal medication taken by you and dispensed by hand.

You suffer from diabetes and the personal medication taken twice daily by you in essence contains metformin. Dr Karamatic, Chief Veterinarian employed by Greyhound Racing Victoria (“GRV”) is of the opinion that this is a possible, if not likely cause.

Normally you wash your hands after taking the medication but at the time you had suffered a hand injury and the hand which you use was in a cast, hence was not washed. Stewards do not challenge this proposition as the likely cause of the reading and indeed Mr Spence the Steward conducting the interview with you made a specific reference to it.

You do have a record of a prior offence this being on 25 May 2016 and dealt with by the GRV RADB. That was an offence of a different nature involving non-human consumption meat, you were fined $1,500 with $500 suspended for 12 months. We regard that prior offence as being at least a slightly different nature, involving as it does a conscious decision to risk committing an offence in the interests of economy. The present offence involves a completely accidental passing on of the substance in question as the result of dealing with and consuming medication for personal human illness.

Apart from the 2016 offence you have a very good record and were a very successful public trainer and have been in this state since 2016, although it would appear from the records that you were a public trainer in New South Wales for some 16 years before that. You consistently have something in the order of 30 racing dogs in your kennels in addition to puppies. Your training establishment is on some 80 acres at Rowsley.

A relevant case similar to yours is of Angela Galea, which was heard by this Tribunal on 30 August 2023, also involved metformin. Ms Galea also had one prior conviction, it being in 2015.

In the present case we take into account the various factors set out in the decision in Galea, including your guilty plea, your co-operation, the importance of playing on a level playing field, a drug free industry and the need for general deterrence. We do not believe that specific deterrence has any sizable role to play. We take into account your good record over the years, save for the one offence of a different factual nature. We also emphasise that care must be taken when personal medication is being used.

In all the circumstances, we believe it appropriate that you receive a similar penalty to that in the case of Galea, namely, a fine of $1,500 with $750 suspended for a period of 24 months. Further, Head the Charge is disqualified from Race 5 at Bendigo on 4 November 2022 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal